

FMSB Meeting

17th November 2021

Approved Minutes

Present: Robert Creighton, Lisa Doodson, John Hobson, Mike Mack, Beryl Darling, Alexis Walker,
Sarah-Jane Turnbull, Ian Hamer

Apologies: Lesley Allport

Also in attendance: Helen Anthony (Executive Officer), Lorraine Bramwell (in part)

	Part 1 - Open session	Actions
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	<p>The Chair welcomed everybody and noted that the FMC has been successful in appointing two new mediator members to the FMSB: Lesley Allport, who takes up the post immediately, and Lorraine Bramwell, who takes up the post in January when Beryl Darling steps down. The FMSB noted that as trainers both LA & LB deliver FMSB approved training courses, and so have a standing declaration of interest in relation to this matter and they will recuse themselves when it comes to making decisions about training.</p>	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	<p>The minutes of the meeting held on 7.7.21 were approved.</p> <p>Matters arising</p> <ul style="list-style-type: none">● Interim PPCs - IH & HA to pick up on this before the next FMSB meeting● Online WG - JH & HA to arrange a meeting of the WG to try to conclude the	<p>HA to publish minutes</p> <p>HA & IH to address issue of interim PPCs</p> <p>JH & HA to arrange meeting of Online WG</p>

	<p>work identified as being necessary at the beginning of 2022</p> <ul style="list-style-type: none"> Deputy Chief Assessor - Assessors now aware of the role, HA to progress recruitment 	HA to progress Deputy Chief Assessor Appointment
2.	Reports	
2.1	Chair's Report	
	<p>The Chair reported that he had spent time on the recruitment of two new FMSB members, meeting mediators at a recent Resolution event in East Sussex, and attending a debate about whether mediation should be compulsory, which was hosted by the Family Mediation Trust. The Chair also reported that he was due to attend a College of Mediators' event in London before the next FMSB meeting.</p>	
2.2	Executive Officer's Report	
	<p>The Executive Officer did not have anything to report that was not elsewhere on the agenda.</p>	
2.3	FMC Report	
	<p>The FMSB noted the draft minutes of the meeting held on 8.9.21. The FMSB noted that the FMC had been discussing an extension of the voucher scheme with the MoJ, but this has not yet been confirmed. It was noted however that the MoJ still appeared committed to the scheme and the promotion of the use of mediation generally, despite the recent ministerial re-shuffle.</p> <p>The FMSB noted that the FMC's Legal Aid Working Group now included more representatives from the FMC's Member</p>	

	<p>Organisations, and that the WG was focusing on the issue of remote mediation and new Legal Aid contracts. The FMSB noted that the FMC was arguing that the new contracts should rely on FMSB Standards. The FMSB noted there was no FMSB representative on the FMC's LAWG and the importance of ensuring regular communication between the LAWG & the FMSB.</p>	
3.	Business to Discuss	
3.1	Complaints	
	<p>The FMSB agreed the final proposal for a new complaints system be put to the FMC for formal approval subject to:</p> <ul style="list-style-type: none"> ● Clarifying the process for mediators to be suspended pending the outcome of relevant criminal proceedings; ● Development of a policy on third party complaints; ● Amending time limits to include <ul style="list-style-type: none"> ○ a time limit for complainants to make a complaint after an event occurring (3/6/9/12 months) with the specific limit to be consulted upon. ○ A 3-month time limit from the conclusion of the mediator's complaints process to appeal to the FMSB. ● Producing a policy for the FMSB to initiate complaints <p>The FMSB agreed there was a need to be clear in communications to mediators and to give them as much notice as possible of the start date for the new system.</p>	

	<p>IH/HA to make amendments before submitting process to FMC for approval.</p>	<p>IH/HA to make amendments before submitting process to FMC for approval.</p>
<p>3.2</p>	<p>MIAMs</p>	
	<p>The FMSB noted the minutes of the MIAM working group held on 27.9.21, and the draft minutes of the meeting held on 5.11.21.</p> <p>The FMSB considered the draft standards, and agreed that the language made clear what was required (i.e. the ‘musts’) and what is good practice. The FMSB also addressed the need to ensure there was sufficient reliance on mediators’ professionalism when making arrangements for MIAMs, as not every circumstance could be catered for, yet it was important to ensure that MIAMs are always safe and effective.</p> <p>The MIAMs Working Group Chair agreed to revise the draft standards to reflect to reflect these principles, and to bring a revised version of the standards and an updated assurance paper to the next FMSB meeting. It was agreed that the revised standards should also be taken to the FMC Board Meeting in December for any comments on the strategic approach being adopted.</p> <p>The FMSB discussed the need for workable assurance measures, and for these to place as little burden on mediators as was necessary to achieve the objective of being able to saying that MIAMs are consistently delivered in accordance with the standards. The FMSB agreed its data requests should work in tandem with those made</p>	<p>AW to redraft standards</p>

	by the Legal Aid Agency to avoid mediators having to duplicate work. SJT to send HA a copy of the data that the LAA requests, for reference.	SJT to send HA a copy of the data that the LAA requests, for reference.
3.3	Registration	
	<p>The FMSB noted the planned timetable for 2022 Registration.</p> <p>The FMSB noted that the FMC had agreed that in the Find A Mediator search, mediators should be able to list those addresses that they mediate from, not those that they could in theory mediate from, but do not do so in practice. The FMSB agreed that this should be reflected in the registration guidance, but asked that the FMC should carry out a more comprehensive piece of work on this issue in 2022, as it required more consideration in light of the move to greater online working.</p> <p>The FMSB asked the Executive Officer to ensure the registration guidance made clear that mediators can only offer legal aid work if they have a contract (rather than if they are FMCA and therefore qualified to offer Legal Aid).</p> <p>The FMSB noted that fees were likely to remain the same in 2022, despite the FMSB taking on complaints after they had been considered by mediators (rather than FMC Membership Organisations) as the online registration process introduced in 2021 had increased the FMC's administrative capacity.</p>	HA to update registration guidance
3.4	Accreditation Panel & Accreditation Review	

The FMSB noted the minutes of the Accreditation Panel meeting held on 27.7.21, 14.9.21 and the draft minutes of the meeting on 9.11.21. The FMSB considered the Accreditation Panel's recommendations regarding temporary measures introduced regarding portfolios at the start of the Covid pandemic. The FMSB agreed with the panel's recommendation that measures 1, 2 and 4 be retained, and measures 3 and 5 be removed, so that mediators working towards accreditation can continue to rely on remote work to fulfil the portfolio requirements, but that from 1.1.2022 mediators would return to the pre-pandemic position of having to have observed their PPC/an FMCA mediator before conducting their first mediation, and would have to submit a complete portfolio.

On the recommendation of the Accreditation Panel, the FMSB agreed to amend the Standards Framework to add a requirement for mediators' CPD to include issues of diversity & inclusivity, and developments in children's issues, the impact of parental conflict, available resources and support services.

The FMSB discussed whether it should work a 'readiness to practise scheme' to allow mediators working towards accreditation to work on legal aid and voucher cases, which was a proposal which was supported by both StRAWG and the Accreditation Panel. The FMSB noted that there would be a need to be clear about the difference between readiness to practice and FMCA status, and to ensure that people still pursued accreditation, but agreed that a scheme where mediators were well supported by PPCs/FMCAs

	<p>could be beneficial in ensuring development of sufficient numbers of well-trained mediators to meet public need, and allow mediators working towards accreditation to complete their portfolios and become accredited more easily than at present. The FMSB agreed to ask the FMC for confirmation that it wanted the FMSB to work on this policy.</p> <p>The FMSB noted that its Chair was considering options to progress the Standards Review Accreditation Working Group's work on managed accreditation, with a view to having appointing somebody to lead this piece of work in the new year.</p>	<p>RC to take relevant issues to next FMC meeting</p>
3.5	<p>Training Panel</p>	
	<p>The FMSB noted the minutes of the Training Panel held on 16.8.21 and draft minutes of the meeting held on 11.10.21.</p> <p>The FMSB agreed that the training course renewal fee should be set at a level that would cover costs, at £900.</p> <p>The FMSB noted that the Training Panel had agreed to take a collaborative approach to ensuring training courses were meeting high standards and to incorporate a discussion with training course providers in to the renewal process in order to achieve this.</p>	
3.6	<p>Observations by Non-Mediators</p>	
	<p>The FMSB amended the Code of Conduct for observers to include a requirement for observers to sign an agreement to adhere to the Code.</p>	

3.7	Equality, Diversion & Inclusion	
	<p>The FMSB noted remit and goals of the FMC's Equality, Diversity and Inclusion Team (EDIT) and agreed that the FMSB should support EDIT's goals by asking whether its policies have EDI consequences when being made, renewed, or considered. The FMSB noted that its Chair would attend an EDIT meeting to establish the best way in which the FMSB can ensure the principles of equality, diversity and inclusion are reflected in its work.</p> <p>The FMSB agreed that it should enable the public to find mediators who could mediate in languages other than English. The FMSB recognised that there could be practical difficulties for PPCs in managing mediations in different languages conducted by trainees.</p>	<p>HA to amend registration process to include languages</p>
4.	Strategic Issues	
4.1	Information/data collection	
	<p>The FMSB discussed the principles it should adhere to when gathering information/data, and agreed that it must be clear about what is required for regulatory purposes (as opposed to lobbying/policy setting purposes, which the FMC may be interested in) and why it is relevant to Standards, and that it should make any data needed as easy as possible to provide.</p> <p>The FMSB agreed the first steps would be for it to identify the data it already has or has access to, and what it can easily collect.</p>	
5.	Governance	
5.1	Business Processes, Priorities & Workplan 2022	

	<p>The FMSB discussed the need to take a systematic approach to prioritisation whilst putting together its 2022 workplan. The FMSB noted it had two roles: implementation, to maintain the existing Standards Framework; and consideration of strategic issues.</p> <p>The FMSB agreed it should be more rigorous in priority setting, which would require more engagement with community. The FMSB therefore agreed it had to consider how to present its annual report, and how to communicate with the mediation community, in order to foster that engagement.</p> <p>It was agreed that the Chair would work on prioritizing objectives with JH, MM & HA for 2022 but that the FMSB would develop a process which includes consultation with mediators for 2023.</p>	<p>RC, JH, MM & HA to work on prioritisation for 2022</p>
6.	AOB	
	<p>The FMSB thanked Beryl Darling for all the work she had done for the FMSB, as she will to step down from this when she retires as a mediator at the end of 2022.</p>	
7.	Future Meeting Dates	
	<p>The FMSB agreed to meet four times in person in 2022 (subject to any Covid related issues), as well as once with the FMC – dates TBC.</p>	<p>RC/HA to arrange dates</p>